

### **REMARKS**

Applicants respectfully request reconsideration of this application, as amended, and reconsideration of the Office Action dated December 4, 2006. Upon entry of this Amendment, claims 1-44 will be pending in this application. No new matter has been incorporated by this Amendment.

Independent claims 1 and 23 have amended to included the limitation of a poller "initiating requests for" and receiving SNMP-attribute data at "repeated regular time intervals". Support for the amendment is provided, for example, at page 11, lines 8-20; page 17, lines 1-15; page 27, lines 3 to page 28, line 18 (see also FIG. 15B, step 1536).

Claims 1-44 stand rejected under 35 USC § 102(e) as anticipated by U.S. Pat. No. 6,801,940 to Moran et al. Applicants respectfully traverse and request withdrawal of the rejection as Moran et al. fails to disclose any remote poller that initiates requests and receives SNMP-attribute data for a monitored device at regular time intervals across a wide area network or IPsec tunnel.

In fact, Moran et al. specifically teaches away from any poller for SNMP-attribute data for remotely monitoring a device across a public wide area network or IPsec tunnel. Moran et al. is directed to providing physically co-located media modules and application servers as observation hardware for applications. See *Moran et al. at. col. 4, lines 51-53* (describing FIG. 4 depicting monitoring system 120 connected to proximate network 108); *col. 5, lines 39-39* (nodes physically required at different geographic locations); *col. 5, lines 61-63* (monitoring "co-located" segments); *col. 6, lines 34-35* (uses "custom, purpose-built hardware"); *col. 9, lines 59-60* (role of media module is to monitor a "physical network segment"). Conversely, the system of the

present invention specifically avoids the requirements of Moran's hardware-dependent physically co-located system of application servers and media modules by providing a remote monitoring system that collects SNMP-attribute data from devices without the need for such hardware.

Further, Moran et al., specifically teaches that SNMP management is not carried out by remotely polling SNMP-attribute data as in the present invention. Beyond requiring physically located hardware, Moran et al. at col. 11, lines 37-44 clearly teaches:

Events however are sent upward asynchronously to notify the higher-level entity of data availability, alarms, etc. This prevents a number of media modules from overloading the application server and scales at the system management level as well. This model is applied at the application server to client level as well and is consistent with the SNMP management environment.

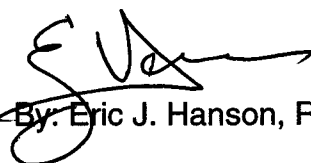
Asynchronously pushing SNMP-attribute data as suggested by Moran et al. is inconsistent with the present invention and its purposes. The present invention provides a system for polling and receiving SNMP-attribute data across a wide area network or IPsec tunnel to provide a high level of data granularity and analysis based on regular time intervals. For example, as Moran et al. is limited to asynchronous, event-based SNMP-data capture for applications, the disclosure does not conceive of ongoing SNMP-attribute data capture to provide for performance anomaly detection, trending and capacity planning related to devices. Moran et al. is therefore not concerned with any of the problems sought to be solved by the present invention.

Because the cited reference fails to teach a poller initiating requests for and receiving SNMP-attribute data from a monitored device across a WAN or IPSec tunnel at regular repeated time intervals, it fails to disclose and anticipate all of the elements claimed invention. Because Moran et al. also teaches away from any system of the claimed invention, the claimed invention would not be obvious to those skilled in the art. Accordingly, Applicants respectfully request that the anticipation rejection under §102 be withdrawn.

In view of the foregoing, Applicants request that a timely Notice of Allowance be issued in this case.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers, please charge the fees to Hunton & Williams Deposit Account No. 500206, Order No. KLIR002CONT. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee should also be charged to Hunton & Williams Deposit Account No. 500206, Order No. KLIR002CONT. Any overpayment can be credited to Deposit Account No. 500206, Order No. KLIR002CONT.

Respectfully submitted,

  
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